

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

| | | |
|---------------|---|--|
| IN RE: | DAVID A. LEVINE, MONICA L. LEVINE Debtors. | BK. NO. 3:19-bk-1048 CH. 13 |
|---------------|---|--|

**MOTION TO LIFT STAY,
OR IN THE ALTERNATIVE, TO RECOGNIZE THE PENDING
ADVERSARY PROCEEDING AS A PROCEEDING
IN THE ABOVE CAPTIONED CASE**

Now comes, Martin P. Sheehan, Trustee of the Bankruptcy Estate of Geostellar, Inc., by his attorneys, Martin P. Sheehan, Esq., and Sheehan & Associates, PLLC and Patrick M. Cassidy, Esq., and Timothy F. Cogan, Esq., and CASSIDY, COGAN, SHAPELL & VOEGELIN, L.C. and move to lift the stay in the adversary proceeding pending before this Court at Adversary Proceeding No. 3:19-AP-00024, or in the alternative to transfer that Adversary Proceeding so that the Adversary Proceeding becomes an Adversary Proceeding associated with the Levine bankruptcy case, and not with the Geostellar Bankruptcy Case.

In support of this motion, the Trustee asserts that aspects of the pending adversary proceeding implicate debts that would be excepted from discharge pursuant to 11 U.S.C. § 1328 (a) (2) and § 523(a)(2). Furthermore, a discharge in a Chapter 13 case does not operate as a discharge of any debt excepted from discharge under section 523(a) as set forth in 11 U.S.C. § 1328(c)(2).

The policy reasons for imposition of an automatic stay of an adversary proceeding pending in the same Court where a new bankruptcy case has been filed by a defendant in the original adversary proceeding are diminished. No violation of the automatic stay would occur if a new adversary proceeding were initiated in the case most recently filed.

WHEREFORE, Martin P. Sheehan, Trustee of the Bankruptcy Case of Geostellar, Inc., seeks

relief from the automatic stay to permit continuation of Adversary Proceeding No., 3:19-AP-00024 or to transfer that Adversary Proceeding to be an adversary proceeding in the Levine bankruptcy case, and not in the Geostellar, Inc., case and for such other relief as is appropriate.

Respectfully submitted,

/s/ Martin P. Sheehan

Martin P. Sheehan, Esq.

WV BAR ID #4812

SHEEHAN & ASSOCIATES, PLLC

1 Community St., Ste 200

Wheeling WV 26003

(304) 232-1064

(304) 232-1066 FAX

SheehanBankruptcy@WVDSL.net

Sheehan Paralegal@WVDSL.net

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**IN RE: DAVID A. LEVINE,
 MONICA L. LEVINE
 Debtors.**

**BK. NO. 3:19-bk-1048
CH. 13**

CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Deb Wertman
debra.a.wertman@usdoj.gov

Helen Morris
ch13info@wvtrustee.org

Meagan Preece
mapreece@wvtrustee.org

Brian Richard Blickenstaff
bblickenstaff@turnerjohns.com

Michael J. Lichtenstein
mjl@shulmanrogers.com

Patrick S. Cassidy
pcassidy@walslaw.com

Timothy F. Cogan
tfc@walslaw.com

Respectfully submitted,

/s/ Martin P. Sheehan
Martin P. Sheehan, Esq.
WV BAR ID #4812